IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2697 OF 2006

Ashok Rameshwar Agrawal. ..Petitioner.

Versus

The State of Maharashtra. ..Respondent.

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Mr.Ganesh Gole, Adv. for the Petitioner.
Mrs.A.S.Pai, APP, for the State.

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CORAM : SMT.V.K.TAHILRAMANI,J.
DATED : OCTOBER 25, 2007.

P.C.:

. Leave to amend. Amendment to be carried out forthwith.

2. Heard the learned Advocate for the petitioner and the learned APP for the State.

3. The petitioner has preferred this petition for cancellation of NBW issued against the petitioner as well as for cancellation of distress warrant issued against the surety. The warrants have been issued by the learned ACMM 19th Court, Esplanade, Mumbai in C.C. No.273/P/2002.

4. It is stated that the petitioner did not remain present before the Court as he has not

received the said summons or warrants. The petitioner was suffering from various medical problems including cardiac problem and high diabetes for which he was required to take insulin injections twice a day. Due to his ailments, the petitioner has been advised bed rest by the Doctor. On account of his illness the petitioner was residing at Indore at the relevant time and not at Jalgaon and hence he did not receive the summons or warrants. It is stated that the petitioner is willing to appear before the learned Magistrate.

5. In view of the above statement, liberty is granted to the petitioner to prefer appropriate proceedings before the trial Court for setting aside the NBW and distress warrant. In order to enable the petitioner to prefer necessary applications before the trial Court, the said NBW as well as distress warrant are stayed for a period of six weeks from today.

6. Application is disposed of accordingly.

(SMT.V.K.TAHILRAMANI,J.)